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Attorneys for Defendant
 INOGEN, INC.

IN THE UNITED STATES DISTRICT COURT
 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 WESTERN DIVISION

SEPARATION DESIGN GROUP IP
 HOLDINGS, LLC, a Pennsylvania
 limited liability company,

Plaintiff,

v.

INOGEN, INC., a Delaware
 corporation

Defendant.

Case No. 2:15-cv-08323-JAK-(JPRx)

**JOINT CLAIM CONSTRUCTION
 AND PREHEARING STATEMENT
 PURSUANT TO S.P.R. 3.4**

Hearing

Date: July 25, 2016

Time: 10:30 a.m.

Ctrm: 750

Hon. John A. Kronstadt

Pursuant to Standing Patent Rule 3.4 and the Court's Docket Control Order dated March 7, 2016, Plaintiff Separation Design Group IP Holdings, LLC ("Plaintiff") and Defendant Inogen, Inc. ("Inogen") (referred to collectively as "the Parties" or individually as a "Party") hereby submit this Joint Claim Construction and Prehearing Statement containing the information described in S.P.R. 3.4.1 through 3.4.5.

Pursuant to S.P.R. 3.4.1, the Parties identify the following agreed construction:

<u>Claim Term</u>	<u>Agreed Construction</u>
absorbent bed (claim 22 of the '751 patent)	The Parties agree that this term shall mean "adsorbent bed".

Pursuant to S.P.R. 3.4.2 and 3.4.3, the Parties submit Exhibit A, attached hereto, which includes the Parties' proposed constructions for 10 disputed claim terms. The disputed claim terms set forth in Exhibit A are as follows:

- "portable oxygen concentrator"
- "removable module"
- "adsorbent bed"
- "molecular sieve material"
- "substantially spherical shape"
- "product flow rate"
- "manifold to control gas flow into and out of said removable module"
- "removable battery cell"
- "capable of producing up to 3 liters of oxygen per minute"
- "replaceable by a user"

The proposed constructions for each disputed term, phrase, and/or clause from U.S. Patent No. 8,894,751 ("the '751 patent") and U.S. Patent

1 No. 9,199,055 (“the ’055 patent”) are identified with respect to the asserted
2 claim where such term, phrase, and/or clause first occurs within each of the
3 respective patents. Any further occurrence of a listed claim term, phrase, and/or
4 clause in the same patent is intended to receive the same construction as the
5 listed term, phrase, and/or clause, regardless of whether the later occurrence is
6 also listed below. Exhibit A also includes the Parties’ identifications of
7 references from the specification and prosecution history supporting the
8 proposed constructions, as well as extrinsic evidence.

9 Pursuant to S.P.R. 3.4.4, Plaintiff submits that more than 45 minutes for
10 presentation at the claim construction hearing will be needed. Plaintiff
11 respectfully requests that each Party be provided 75 minutes for presentation
12 given the number of claim terms in dispute and complexity of the issues to be
13 presented. Plaintiff believes that the greatest assistance that counsel can provide
14 the Court during the hearing is to provide argument on a term-by-term basis so
15 that both side’s positions are made before moving to the next disputed term.
16 Plaintiff believes that such method promotes greater dialogue with the Court on
17 the issues at hand, and an opportunity for both sides to respond to the other in a
18 more “real-time” sense. With such an approach and 10 terms in dispute, the
19 additional 30 minutes per side is requested. Alternatively, if the Court denies
20 Plaintiff’s request for 75 minutes per Party, Plaintiff requests that at least 60
21 minutes be provided.

22 Inogen submits that 45 minutes for each side for presentation at the claim
23 construction hearing is sufficient. However, Inogen does not oppose Plaintiff’s
24 request for 60 minutes per side. Inogen believes that 75 minutes per side is
25 unnecessary.

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1 Pursuant to S.P.R. 3.4.5, the Parties do not plan to call witnesses at the
2 claim construction hearing.

3 Respectfully submitted,

4 FRIEDMAN, SUDER & COOKE

5 Dated: May 23, 2016

6 By: /s/ Todd I. Blumenfeld (with permission)

7 Michael T. Cooke

8 Brett M. Pinkus

9 Todd I. Blumenfeld

10 Attorneys for Plaintiff SEPARATION DESIGN
11 GROUP IP HOLDINGS, LLC

12 KNOBBE, MARTENS, OLSON & BEAR, LLP

13 Dated: May 23, 2016

14 By: /s/ Nicholas M. Zovko

15 John B. Sganga, Jr.

16 Nicholas M. Zovko

17 Attorneys for Defendant INOGEN, INC.
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EXHIBIT A

EXHIBIT A
JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

<u>Disputed Claim Term</u>	<u>Plaintiff's Proposed Construction</u>	<u>Plaintiff's Supporting Evidence¹</u>	<u>Inogen's Proposed Construction</u>	<u>Inogen's Supporting Evidence²</u>
portable oxygen concentrator (claim 22 of the '751 patent; claim 12 of '055 patent)	device that uses compressed feed air at above atmospheric pressure to produce an oxygen-enriched product, the device small enough in size and weight to be easily carried by an elderly person or an individual with compromised health	<p><i>'751 Patent:</i> 1:45-55; 1:63-2:13; 2:10-17; 7:26-32; 10:53-65; 12:39-54; 13:25-44; 16:21-24; 16:34-36; 22:1-7; 23:9-45; and Claims 11-32.</p> <p><i>'055 Patent:</i> Claims 1-21</p> <p><i>Declaration of Peter Bliss</i></p> <p><i>Atlascopco.com website:</i> http://www.atlascope.com/nitrogenus/products/oxygen_generators/ [SDG004440-4441]</p>	Part of preamble. No construction necessary.	<p><i>'751 Patent:</i> Title and Abstract; Columns 1-12, 16-21, and 24-27.</p> <p><i>See generally</i> file histories for the '751 and '055 patents, including SDG004651-4652, 4718, 4793, 5092-5093, 5187-5188.</p> <p>Plaintiff's Infringement Contentions, Ex. A at 5, Ex. B at 5.</p>

¹ Plaintiff has only laid out portions of the specification of the '751 Patent, the earliest of the two patents-in-suit, both of which have identical specifications. It should be understood that Plaintiff may also rely on the corresponding portions of the specification of the '055 Patent, or that of any patent application to which the '751 Patent claims priority, if necessary, in support Plaintiff's proposed constructions.

² Unless indicated otherwise, citations to the specification are to the column and/or line numbers of the '751 patent. Corresponding portions of the '055 patent, PCT Application No. PCT/US2010/051419, and the provisional applications to which the patents-in-suit claim priority also support Inogen's proposed constructions, and Inogen intends to rely on such portions of those patents and patent applications as well.

<u>Disputed Claim Term</u>	<u>Plaintiff's Proposed Construction</u>	<u>Plaintiff's Supporting Evidence</u> ¹	<u>Inogen's Proposed Construction</u>	<u>Inogen's Supporting Evidence</u> ²
		<p><i>VacuumSwingAdsorption.com</i> website: http://www.vacuumswingadsorption.com/ [SDG004496-4500]</p> <p><i>“Supplemental Oxygen Devices: A Technical Overview”</i> article: https://www.calthoracic.org/sites/default/files/SupplementOxygenDevice.pdf [SDG004426-4433]</p> <p><i>“Home vs. Portable Oxygen Concentrators”</i> article: http://www.inogen.com/resources/oxygen-concentrators/home-vs-portable-oxygen-concentrators/ [SDG004448-4449]</p> <p><i>“Advances in Pressure Swing Adsorption for Gas Separation”</i> article: http://www.hindawi.com/journals/isrn/2012/982934/ [SDG004371-4384]</p>		

<u>Disputed Claim Term</u>	<u>Plaintiff's Proposed Construction</u>	<u>Plaintiff's Supporting Evidence</u> ¹	<u>Inogen's Proposed Construction</u>	<u>Inogen's Supporting Evidence</u> ²
		<p><i>“Non-Cryogenic Air Separation Processes” article:</i> http://www.uigi.com/noncryo.html [SDG004494-4495]</p> <p><i>“On-site Oxygen Generators” article:</i> http://www.gasatsite.com/oxygen.html [SDG004442-4445]</p> <p><i>“On-site O2” Product Information presentation:</i> http://www.classlinc.com/file_uploads/Class%201%20-%202014%20-%20On-Site%20Oxygen.pdf [SDG004397-4413]</p> <p><i>“PSA Technology Air Separation” article:</i> http://www.ydget.com/news-353643 [SDG004452-4453]</p> <p><i>“Oxygen by Vacuum-Pressure Swing Adsorption (VPSA, VSA, or PVSA)”</i></p>		

<u>Disputed Claim Term</u>	<u>Plaintiff's Proposed Construction</u>	<u>Plaintiff's Supporting Evidence¹</u>	<u>Inogen's Proposed Construction</u>	<u>Inogen's Supporting Evidence²</u>
		<p>article: http://www.ydget.com/news-353640. [SDG004438-4439]</p> <p><i>Inogen's '716 Application:</i> Paragraph [0005] [SDG002215-2241]</p>		
<p>removable module</p> <p>(claim 22 of the '751 patent; claim 12 of the '055 patent)</p>	<p>unit comprised of one or more assembled components that is releasably connectible to one or more other components, the unit being disconnectable without substantial disassembly of the portable oxygen concentrator</p>	<p><i>'751 Patent:</i> 12:30-34; 12:64-66; 13:9-14; 18:6-16; 18:23-24; and, 19:47-58.</p> <p><i>Merriam-Webster's Collegiate Dictionary</i>, 11th ed., Merriam-Webster, Inc. http://www.merriam-webster.com/dictionary/module [SDG004436]</p> <p><i>Random House Dictionary</i>, Random House, Inc. (2013), http://www.dictionary.com/browse/module?s=t [SDG004434-4435]</p> <p><i>Inogen's '716 Application:</i> Paragraphs [0024]-[0027];</p>	<p>a structure containing the adsorbent cartridges where the structure connects to the portable oxygen concentrator and allows the adsorbent cartridges to be removed as a group</p>	<p><i>'751 Patent:</i> Abstract; Figures 1-8 and 18, and corresponding description in the specification; Cols. 2:19-3:47, 4:22-38, 4:53-5:26, 5:53-6:54, 6:56-7:39, 7:48-8:67, 9:1-14:6, 14:49-61, 18:6-20:22, 21:52-58, 24:28-27:13.</p> <p><i>'751 Patent File History:</i> Claims as filed [SDG004611-4617]; Provisional Application dated November 24, 2009 [SDG004683-4747]; Provisional Application dated October 5, 2009 [SDG004761-4819]; Restriction Requirement</p>

<u>Disputed Claim Term</u>	<u>Plaintiff's Proposed Construction</u>	<u>Plaintiff's Supporting Evidence¹</u>	<u>Inogen's Proposed Construction</u>	<u>Inogen's Supporting Evidence²</u>
		<p>[0029] [SDG002215-2241]</p> <p><i>Inogen's '716 File History:</i> Response to Office Action dated February 28, 2014, Remarks Section. Response to Office Action, dated December 10, 2014, Remarks Section. [SDG002242-2527]</p>		<p>dated June 24, 2014 [SDG004936-4942]; Reply dated August 22, 2014 [SDG004951-4962].</p> <p><i>'055 Patent File History:</i> Claims as filed [SDG005034-5040]; Preliminary Amendment dated October 21, 2014 [SDG005049-5053]; Office Action dated May 15, 2015 [SDG005398-5405]; Response to Office Action dated August 14, 2015 [SDG005407-5422]; Notice of Allowance dated August 28, 2015 [SDG005435-5441].</p>
adsorbent bed (claim 22 of the '751 patent; claim 12 of the '055 patent)	arrangement of particles capable of separating air components through adsorption	<p><i>'751 Patent:</i> Figs. 1, 2, 8; 10:10-17; 10:57-62; 10:66-11:3; and, 13:46-49.</p> <p><i>Encyclopedia of Chemical Engineering Equipment:</i> http://encyclopedia.che.engin.umich.edu/Pages/Separati</p>	the interior of an adsorbent cartridge containing the molecular sieve material	<p><i>'751 Patent:</i> Abstract; Figures 1-8, 18, and corresponding description in the specification; Cols. 2:19-3:47, 4:22-38, 4:53-5:26, 5:53-6:54, 6:56-7:39, 7:48-8:67, 9:1-14:6, 14:49-61, 18:6-20:22, 21:52-58,</p>

<u>Disputed Claim Term</u>	<u>Plaintiff's Proposed Construction</u>	<u>Plaintiff's Supporting Evidence</u> ¹	<u>Inogen's Proposed Construction</u>	<u>Inogen's Supporting Evidence</u> ²
		<p>onsChemical/Adsorbers/Adsorbers.html [SDG004356-4370]</p> <p><i>"Packed Bed Adsorption"</i> article: http://www.cchem.berkeley.edu/molsim/teaching/spring2013/CCS/Group8/packed.html</p> <p><i>Grace Davison Sylobead</i> Product literature: https://grace.com/general-industrial/en-us/Documents/sylobead_br_E_2010_f100222_web.pdf [SDG004466-4493]</p>		<p>24:28-27:13.</p> <p><i>'751 Patent File History:</i> Claims as filed [SDG004611-4617]; Provisional Application dated November 24, 2009 [SDG004683-4747]; Provisional Application dated October 5, 2009 [SDG004761-4819]; Restriction Requirement dated June 24, 2014 [SDG004936-4942]; Reply dated August 22, 2014 [SDG004951-4962].</p> <p><i>'055 Patent File History:</i> Claims as filed [SDG005034-5040]; Preliminary Amendment dated October 21, 2014 [SDG005049-5053]; Office Action dated May 15, 2015 [SDG005398-5405]; Response to Office Action dated August 14, 2015 [SDG005407-5422]; Notice of Allowance dated</p>

<u>Disputed Claim Term</u>	<u>Plaintiff's Proposed Construction</u>	<u>Plaintiff's Supporting Evidence¹</u>	<u>Inogen's Proposed Construction</u>	<u>Inogen's Supporting Evidence²</u>
				August 28, 2015 [SDG005435-5441].
molecular sieve material (claim 22 of the '751 patent; claim 12 of the '055 patent)	material operating on a molecular scale to separate nitrogen from air	<p><i>'751 Patent:</i> 7:11-14; 10:57-62; 11:6-9; 12:20-24; 14:7-13; and, 14:47-48.</p> <p><i>Declaration of Peter Bliss</i></p> <p><i>"Reagents: Molecular Sieves" article:</i> http://chem.chem.rochester.edu/~nvd/pages/reagents.php?page=molecular_sieves [SDG004454-4457]</p> <p><i>Merriam-Webster's Collegiate Dictionary</i>, 11th ed., Merriam-Webster, Inc. http://www.merriam-webster.com/dictionary/molecular%20sieve [SDG004437]</p> <p><i>Random House Dictionary</i>, Random House, Inc. (2013),</p>	material that separates nitrogen from air and having an average particle diameter of less than 0.4 mm	<p><i>'751 Patent:</i> Title and Abstract; Figures 12-17 and corresponding description in the specification; Cols. 1:1-36, 2:19-62, 3:53-63, 4:39-51, 5:31-53, 6:56-7:2, 7:47-8:13, 8:66-67, 9:19-23, 10:10-15, 10:53-12:54, 14:3-14, 14:49-61, 16:21-33, 17:63-18:5, 18:51-53, 21:38-51, 22:23-24:18, 24:28-67, 26:12-27:13.</p> <p><i>'751 Patent File History:</i> Claims as filed [SDG004611-4617]; Provisional Application dated November 24, 2009 [SDG004683-4747]; Provisional Application dated October 5, 2009 [SDG004761-4819]; Declarations for Patent Application</p>

<u>Disputed Claim Term</u>	<u>Plaintiff's Proposed Construction</u>	<u>Plaintiff's Supporting Evidence¹</u>	<u>Inogen's Proposed Construction</u>	<u>Inogen's Supporting Evidence²</u>
		http://www.dictionary.com/browse/sieve?s=t [SDG004461-4462] <i>Random House Thesaurus</i> , Random House, Inc. (2013), http://www.thesaurus.com/browse/sieve?s=t [SDG004458-4460]		[SDG004831-4835]. ' <i>055 Patent File History</i> : Claims as filed [SDG005034-5040]; Preliminary Amendment dated October 21, 2014 [SDG005049-5053]; Declaration for Patent Application [SDG005357-5359]. U.S. Patent Publication No. 2010/0196213 to Lutz et al. [INOGEN00001524-1543] France Publication No. FR 2 916 654 to Lutz et al [INOGEN00001617-1671] Declaration of Tarik Naheiri
substantially spherical shape (claim 22 of the '751 patent; claim 12 of the '055 patent)	shape that is largely, but not wholly, that of a sphere	' <i>751 Patent</i> : Figs. 12A and 12B; 10:57-61; 11:35-42; and, 11:50-55. <i>Declaration of Peter Bliss</i> <i>Merriam-Webster's</i>	Indefinite. Alternatively, if this term is not determined to be indefinite: highly spherical without any irregularity in shape	' <i>751 Patent</i> : Title and Abstract; Figures 12-17 and corresponding description in the specification; Cols. 1:1-36, 2:19-62, 5:31-53, 6:56-7:2, 7:47-8:13, 8:66-67, 9:19-23, 10:10-15, 10:53-12:38, 14:3-14, 14:49-61, 16:21-

<u>Disputed Claim Term</u>	<u>Plaintiff's Proposed Construction</u>	<u>Plaintiff's Supporting Evidence</u> ¹	<u>Inogen's Proposed Construction</u>	<u>Inogen's Supporting Evidence</u> ²
		<p><i>Collegiate Dictionary</i>, 11th ed., Merriam-Webster, Inc. http://www.merriam-webster.com/dictionary/substantial [SDG004464-4465]</p> <p><i>Merriam-Webster's Collegiate Dictionary</i>, 11th ed., Merriam-Webster, Inc. http://www.merriam-webster.com/dictionary/spherical [SDG004463]</p> <p><i>Zeochem Product Portfolio</i> http://www.zettachem.com/acp/images/brochure/Product%20Portfolio2010-01-01.pdf [SDG003499-3502]</p>		<p>33, 17:63-18:5, 18:51-53, 21:38-51, 22:23-24:18, 24:28-67, 26:12-27:13.</p> <p><i>'751 Patent File History:</i> Claims as filed [SDG004611-4617]; Provisional Application dated November 24, 2009 [SDG004683-4747]; Provisional Application dated October 5, 2009 [SDG004761-4819]; Declarations for Patent Application [SDG004831-4835].</p> <p><i>'055 Patent File History:</i> Claims as filed [SDG005034-5040]; Preliminary Amendment dated October 21, 2014 [SDG005049-5053]; Declaration for Patent Application [SDG005357-5359].</p> <p>U.S. Patent Publication No. 2010/0196213 to Lutz et al. [INOGEN00001524-1543]</p>

<u>Disputed Claim Term</u>	<u>Plaintiff's Proposed Construction</u>	<u>Plaintiff's Supporting Evidence¹</u>	<u>Inogen's Proposed Construction</u>	<u>Inogen's Supporting Evidence²</u>
				<p>France Publication No. FR 2 916 654 to Lutz et al. [INOGEN00001617-1671]</p> <p>U.S. Patent No. 5,362,696 to Takahashi et al. [INOGEN00004219-4228]</p> <p>U.S. Patent No. 3,988,919 to Talmi et al. [INOGEN00004214-4218]</p> <p>Declaration of Tarik Naheiri</p>
<p>product flow rate</p> <p>(claim 22 of the '751 patent; claim 12 of the '055 patent)</p>	Volume of at least 85% oxygen gas produced per unit of time	<p>'751 Patent: 3:53-63; 9:11-19; 9:32-34; 12:15-17; 12:24-30; 22:8-15; 23:32-41; 23:51-56; 23:51-53.</p> <p>"Fluid Volumetric Flow Rate Equation" Article on Engineers Edge website: http://www.engineersedge.com/fluid_flow/volumetric_flow_rate.htm [SDG004417-4418]</p> <p>"Supplemental Oxygen</p>	the flow rate of concentrated oxygen	<p>'751 Patent: Figures 1-5 and 13-17, and corresponding description in the specification; Cols. 2:10-18, 2:32-4:51, 4:55-5:17, 5:37-53, 5:60-6:54, 7:48-8:67, 9:1-11:5, 12:7-54, 14:62-15:60, 17:21-62, 22:23-24:11, 24:28-27:13.</p>

<u>Disputed Claim Term</u>	<u>Plaintiff's Proposed Construction</u>	<u>Plaintiff's Supporting Evidence¹</u>	<u>Inogen's Proposed Construction</u>	<u>Inogen's Supporting Evidence²</u>
		<p><i>Devices: A Technical Overview” article:</i> https://www.calthoracic.org/sites/default/files/SupplementOxygenDevice.pdf [SDG004426-4433]</p> <p><i>Inogen's '716 Application:</i> Paragraphs [0006]-[0009] [SDG002215-2241]</p>		
<p>manifold to control gas flow into and out of said removable module</p> <p>(claim 22 of the '751 patent; claim 12 of the '055 patent)</p>	<p>One or more passageways for routing one or more gas flows into and out of said removable module</p>	<p><i>'751 Patent:</i> 9:37-40; 7:8-10.</p> <p>Plaintiff does not believe this term should be governed by 35 U.S.C. 112(6). Out of an abundance of caution and in the even the Court agrees with Defendant that 35 U.S.C. 112(6) applies to this term, Plaintiff identifies the following structure(s), act(s) or material(s) corresponding to this term's function:</p> <p><i>'751 Patent:</i> Fig. 1, Fig. 3, Fig 3A, Fig. 3B, Fig. 18, 2:63-3:63,</p>	<p>This phrase should be construed under 35 U.S.C. § 112(6).</p> <p><i>Specified function:</i> Controlling gas flow into and out of the removable module.</p> <p><i>Corresponding structure:</i> A manifold 13 as described and illustrated in the specification, the manifold having a solid body with a passageway for transporting fluid, a connection for fresh air from the compressor to the passageway, a 2-way</p>	<p><i>'751 Patent:</i> Figures 1-5 and 18, and corresponding description in the specification; Cols. 2:63-3:47, 4:60-5:17, 5:54-58, 5:60-6:54, 8:14-67, 9:1-10:52, 12:20-13:43, 15:55-60, 25:19-27:13.</p> <p><i>'751 Patent File History:</i> Claims as filed [SDG004611-4617]; Provisional Application dated November 24, 2009 [SDG004683-4747]; Provisional Application dated October 5, 2009 [SDG004761-4819]; Restriction Requirement</p>

<u>Disputed Claim Term</u>	<u>Plaintiff's Proposed Construction</u>	<u>Plaintiff's Supporting Evidence¹</u>	<u>Inogen's Proposed Construction</u>	<u>Inogen's Supporting Evidence²</u>
		<p>4:60-62, 5:4-10, 5:54-58, 8:14-9:9, 9:37-56, 10:18-46, 12:64-13:24.</p> <p><i>Declaration of Peter Bliss</i></p> <p><i>Merriam-Webster's Collegiate Dictionary</i>, 11th ed., Merriam-Webster, Inc. http://www.merriam-webster.com/dictionary/manifold [SDG004424-4425]</p> <p><i>Random House Dictionary</i>, Random House, Inc. (2013), http://www.dictionary.com/browse/manifold?s=t [SDG004422-4423]</p> <p><i>Victor: Gas Manifold Systems & Accessories</i>, http://victortechnologies.com/IM_Uploads/DocLib_8048_Victor_GasManifold_Catalog_(81-2104)_Jan2014.pdf [SDG004501-4540]</p> <p><i>Praxair: Gas Delivery</i></p>	<p>compressor valve within the connection for fresh air, a first connection from the passageway to an adsorbent cartridge, a second connection from the passageway to an oxygen storage tube, a valve in the second connection, two 3-way adsorbent bed valves within the passageway, and an exhaust port.</p> <p>Alternatively, if this term is not construed under 35 U.S.C. § 112(6): a body housing control valves and passageways that connects to the feed end, product end, and exhaust ports of the removable module to control gas flow into and out of adsorbent cartridges</p>	<p>dated June 24, 2014 [SDG004936-4942]; Reply dated August 22, 2014 [SDG004951-4962]; Supplemental Reply dated August 27, 2014 [SDG004963-4973]; Notice of Allowance dated September 22, 2014 [SDG004985-4993].</p> <p><i>'055 Patent File History:</i> Claims as filed [SDG005034-5040]; Preliminary Amendment dated October 21, 2014 [SDG005049-5053]; Office Action dated May 15, 2015 [SDG005398-5405]; Response to Office Action dated August 14, 2015 [SDG005407-5422]; Notice of Allowance dated August 28, 2015 [SDG005435-5441].</p> <p><i>Dictionary of Mechanical Engineering</i>, 4th Edition, G.H.F. Nayler, 1996 [INOGEN00004280-4283]</p>

<u>Disputed Claim Term</u>	<u>Plaintiff's Proposed Construction</u>	<u>Plaintiff's Supporting Evidence</u> ¹	<u>Inogen's Proposed Construction</u>	<u>Inogen's Supporting Evidence</u> ²
		<p>Systems, http://www.praxair.com/gases/gas-handling-equipment/gas-delivery-systems [SDG004541-4543]</p> <p>HomeBrewing: Gas Manifolds, Shut Off Valves, http://www.homebrewing.org/Gas-Manifolds-Shut-Off-Valves_c_439.html [SDG004544-4552]</p> <p>Western Enterprises: Innovator Gas Manifold Systems, http://westernenterprises.com/wp-content/uploads/2013/09/Western-Innovator-2013</p> <p>AutoAnything: How Intake Manifolds Work and How to Shop for Them, http://www.autoanything.com/air-intakes/what-do-intake-manifolds-do.aspx [SDG004553-4557]</p>		<p>Merriam Webster's Collegiate Dictionary, Tenth Edition, 2000 [INOGEN00004293-4296]</p> <p>Merriam-Webster Dictionary, http://www.merriamwebster.com/dictionary/manifold [INOGEN00004289-92]</p> <p>Collins English Dictionary – Complete and Unabridged, 12th Edition, 2014 http://www.thefreedictionary.com/manifold [INOGEN00004285-4288]</p> <p>Random House Kernerman Webster's College Dictionary, 2010 http://www.thefreedictionary.com/manifold [INOGEN00004285-88]</p> <p>INOGEN00004274-4279, 4297-4300, 4301-4304</p>

<u>Disputed Claim Term</u>	<u>Plaintiff's Proposed Construction</u>	<u>Plaintiff's Supporting Evidence¹</u>	<u>Inogen's Proposed Construction</u>	<u>Inogen's Supporting Evidence²</u>
				(American Heritage Dictionary, Oxford American College Dictionary, Webster's New World College Dictionary). <i>Emerson, Control Valve Handbook</i> , Fisher Controls International LLC, Fourth Edition, 2005 [INOGEN00004305-4601] Declaration of Tarik Naheiri
removable battery cell (claim 22 of the '751 patent)	Plaintiff believes that this term should be given its plain and ordinary meaning and, therefore, does not require construction by the Court. To the extent the Court otherwise decides to construe this term, this term should be construed as: "battery cell that is removable, individually or within a case, without substantial disassembly of the portable oxygen concentrator"	'751 Patent: Figs. 6A-8; 18:64-19:8; 19:47-67. <i>Merriam-Webster's Collegiate Dictionary</i> , 11th ed., Merriam-Webster, Inc. http://www.merriam-webster.com/dictionary/battery [SDG004385-4388] <i>Random House Dictionary</i> , Random House, Inc. (2013), http://www.dictionary.com/browse/battery?s=t	battery component that can be separated from the battery pack and individually removed from the portable oxygen concentrator	'751 Patent: Figures 1-8 and 18, and corresponding description in the specification; Cols. 2:10-32, 3:16-52, 4:22-38, 4:60-5:26, 5:53-6:54, 6:57-7:2, 8:35-67, 9:1-5, 18:6-20:22, 21:53-58, 25:19-27:13. '055 Patent: Col. 24:29-67 (Claims 1-4). '751 Patent File History Claims as filed [SDG004611-4617]; Provisional Application

<u>Disputed Claim Term</u>	<u>Plaintiff's Proposed Construction</u>	<u>Plaintiff's Supporting Evidence</u> ¹	<u>Inogen's Proposed Construction</u>	<u>Inogen's Supporting Evidence</u> ²
		<p>[SDG004389-4390]</p> <p><i>Merriam-Webster's Collegiate Dictionary</i>, 11th ed., Merriam-Webster, Inc. http://www.merriam-webster.com/dictionary/cell [SDG004396]</p> <p><i>Random House Dictionary</i>, Random House, Inc. (2013), http://www.dictionary.com/browse/cell [SDG004391-4395]</p>		<p>dated November 24, 2009 [SDG004683-4747]; Provisional Application dated October 5, 2009 [SDG004761-4819]; Restriction Requirement dated June 24, 2014 [SDG004936-4942]; Reply dated August 22, 2014 [SDG004951-4962]; Supplemental Reply dated August 27, 2014 [SDG004963-4973]; Notice of Allowance dated September 22, 2014 [SDG004985-4993].</p> <p><i>'055 Patent File History:</i> Office Action dated May 15, 2015 [SDG005398-5405]; Response to Office Action dated August 14, 2015 [SDG005407-5422]; Notice of Allowance dated August 28, 2015 [SDG005435-5441].</p> <p>Plaintiff's Infringement Contentions.</p>

<u>Disputed Claim Term</u>	<u>Plaintiff's Proposed Construction</u>	<u>Plaintiff's Supporting Evidence¹</u>	<u>Inogen's Proposed Construction</u>	<u>Inogen's Supporting Evidence²</u>
<p>capable of producing up to 3 liters of oxygen per minute</p> <p>(claim 22 of the '751 patent)</p>	<p>Capable of producing between 0 and 3 liters per minute of at least 85% oxygen gas</p>	<p><i>'751 Patent:</i> 1:49-55; 2:10-17; 15:10-15; 22:51-23:7; 23:35-41.</p> <p><i>'943 Application File:</i> Supplemental Reply dated August 27, 2014.</p> <p><i>A Guide to Understanding Pulse Flow Settings on Portable Oxygen Concentrators:</i> http://www.portableoxygenconcentratornews.org/2013/06/a-guide-to-understanding-pulse-flow-settings-on-portable-oxygen-concentrators/ [SDG004317-4352]</p> <p><i>"Supplemental Oxygen Devices: A Technical Overview" article:</i> https://www.calthoracic.org/sites/default/files/SupplementOxygenDevice.pdf [SDG004426-4433]</p> <p><i>Inogen's '716 Application:</i></p>	<p>capable of producing 3 liters, and no more than 3 liters, of concentrated oxygen per minute</p>	<p><i>'751 Patent:</i> Figures 13-17, and corresponding description in the specification; Cols. 1:37-2:17, 5:38-53, 11:43-12:38, 22:23-24:10, 26:12-27:13.</p> <p><i>'751 Patent File History:</i> Claims as filed [SDG004611-4617]; Provisional Application dated November 24, 2009 [SDG004683-4747]; Provisional Application dated October 5, 2009 [SDG004761-4819]; Restriction Requirement dated June 24, 2014 [SDG004936-4942]; Reply dated August 22, 2014 [SDG004951-4962]; Supplemental Reply dated August 27, 2014 [SDG004963-4973]; Notice of Allowance dated September 22, 2014 [SDG004985-4993].</p> <p><i>'055 Patent File History:</i></p>

<u>Disputed Claim Term</u>	<u>Plaintiff's Proposed Construction</u>	<u>Plaintiff's Supporting Evidence¹</u>	<u>Inogen's Proposed Construction</u>	<u>Inogen's Supporting Evidence²</u>
		Paragraphs [0006] and [0008] [SDG002215-2241]		Office Action dated May 15, 2015 [SDG005398-5405]; Response to Office Action dated August 14, 2015 [SDG005407-5422]; Notice of Allowance dated August 28, 2015 [SDG005435-5441]. U.S. Patent No. 7,273,051 to Whitley et al. [INOGEN00004229-4246] U.S. Patent No. 7,510,601 to Whitley et al. [INOGEN00004247-4273] U.S. Patent Publication No. 2007/0137487 to Whitley [INOGEN00001352-1378] U.S. Patent No. 6,651,658 to Hill et al. [INOGEN00001149-1165]
replaceable by a user (claim 31 of '751 patent;	designed to be user friendly, such that the module is expected to be removed and replaced by a user of the device, rather than by the	<i>'751 Patent:</i> 12:20-34; 18:6-7; 18:12-24; 4:28-31. <i>"Supplemental Oxygen Devices: A Technical</i>	Plain and ordinary meaning.	<i>'751 Patent:</i> Abstract, Columns 1-2, 6, 12, 15-22, 26. <i>See generally</i> file histories

<u>Disputed Claim Term</u>	<u>Plaintiff's Proposed Construction</u>	<u>Plaintiff's Supporting Evidence¹</u>	<u>Inogen's Proposed Construction</u>	<u>Inogen's Supporting Evidence²</u>
claim 21 of '055 patent)	manufacturer, technician, or a reseller	<p><i>Overview" article:</i> https://www.calthoracic.org/sites/default/files/SupplementOxygenDevice.pdf [SDG004426-4433]</p> <p><i>Inogen's '716 Application:</i> Paragraphs [0024]-[0027]; [0029] [SDG002215-2241]</p> <p><i>Inogen's '716 File History:</i> Response to Office Action dated February 28, 2014, Remarks Section.</p> <p>Response to Office Action, dated December 10, 2014, Remarks Section. [SDG002242-2527]</p>		<p>for the '751 and '055 patents.</p> <p><i>Merriam-Webster's Dictionary,</i> http://www.merriam-webster.com/dictionary/user</p> <p><i>American Heritage Dictionary of the English Language, Fifth Edition, 2011,</i> http://www.thefreedictionary.com/user</p> <p><i>Collins English Dictionary, 12th Edition 2014,</i> http://www.thefreedictionary.com/user</p> <p><i>Random House Kernerman Webster's College Dictionary, 2010,</i> http://www.thefreedictionary.com/user</p>